

GERMANO & CAHILL, P.C.

Of Counsel to MEYER, SUOZZI, ENGLISH & KLEIN, P.C.

Guy W. Germano
Michael J. Cahill
G. William Germano, Jr.
Meghan Healy, *Of Counsel*

November 7, 2019

Via ECF and Email of Proposed Orders: BrodieChambers@nyed.uscourts.gov

Hon. Margo K. Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Town of Islip v. Thomas Datre Jr., et al.
Index No. 16-CV-2156 (MKB)(LB)

Dear Judge Brodie:

This is a Joint Letter Motion made by plaintiff Town of Islip and defendants Louisiana Purchase LLC, Central Bushwick, LLC, MD Kohn Realty II LLC, Cooper & 6th Property LLC, and BronxCare Health System (collectively the “Settling Defendants”) pursuant to FRCP 54(b) to request the court to approve the attached Settlement Agreements and to grant the Proposed Orders for the settlement of this action. Plaintiff has been authorized by the Settling Defendants to submit this motion.

The court’s approval is requested because this action involves multiple claims and multiple parties, and not all parties join in this motion. Additionally, the settlements contemplate the dismissal of all claims, cross claims and counterclaims that have been made or may be made by any party against the Settling Defendants. It is respectfully submitted that the Settlement Agreements will not prejudice the rights of those defendants that are not settling this action because the Settlement Agreements address and preserve, pursuant to New York General Obligations Law §15-108, the rights of non-settling defendants to set-off the monies paid by the Settling Defendants against any subsequent judgments that may be obtained against other defendants.

The following documents are attached:

Exhibit A: Settlement Agreement by the plaintiff and defendant Louisiana Purchase LLC, with

Attorneys at Law
4250 Veterans Memorial Highway • Suite 275 • Holbrook, NY 11741
T: (631) 588-8778 • F: (631) 588-2550 • www.germanocahill.com

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Proposed Order approving the Settlement Agreement between the Town and Louisiana Purchase LLC and dismissing the action against Louisiana Purchase LLC in its entirety.

Exhibit B: Settlement Agreement by the plaintiff and defendant Central Bushwick, LLC, with

Proposed Order approving the Settlement Agreement between the Town and Central Bushwick, LLC and dismissing the action against Central Bushwick, LLC in its entirety.

Exhibit C: Settlement Agreement by the plaintiff and defendant MD Kohn Realty II LLC, with

Proposed Order approving the Settlement Agreement between the Town and MD Kohn Realty II LLC and dismissing the action against MD Kohn Realty II LLC in its entirety.

Exhibit D: Settlement Agreement by the plaintiff and defendant Cooper & 6th Property LLC, with

Proposed Order approving the Settlement Agreement between the Town and Cooper & 6th Property LLC and dismissing the action against Cooper & 6th Property LLC in its entirety.

Exhibit E: Settlement Agreement by the plaintiff and defendant BronxCare Health System, with

Proposed Order approving the Settlement Agreement between the Town and BronxCare Health System and dismissing the action against BronxCare Health System in its entirety.

Pursuant to the Court's Individual rules, copies of the Proposed Orders are being emailed to chambers in Word format, in addition to filing with the clerk via ECF in pdf format.

The Town and the Settling Defendants consent to any schedule that the Court may establish for responses and replies to this motion.

Sincerely,



MICHAEL J. CAHILL
Germano & Cahill, P.C.
Attorneys for Plaintiff

MJC/df

Attachments

cc: All counsel by ECF